

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

DARRYL SCOTT STINSKI,

Petitioner,

v.

CASE NO. CV418-066

ERIC SELLERS, Warden, Georgia
Diagnostic and Classification
Center; and ERIC C. DOZIER,
Commissioner, Georgia Department
of Corrections;

Respondents.

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.
2018 MAY 22 PM 3:53
CLERK
SO. DIST. OF GA.

ORDER

Before the Court is Respondents' Motion for Scheduling Order. (Doc. 30.) Both parties have submitted proposed orders. (Doc. 30, Attach. 2; Doc. 36, Attach 2.) After careful consideration of both proposed orders, the Court **ENTERS** the following scheduling order.

Petitioner shall have **ninety days** from the date of this order to file any requests for discovery. Respondents shall file a response within **thirty days** of Petitioner filing his request for discovery. Petitioner will then have **ten days** after the filing of Respondents' response in which to file a reply. If the Court permits discovery, Petitioner will have **120 days** after service of the Court's discovery order to complete discovery.

Petitioner shall have **thirty days** from the close of discovery or **thirty days** after service of the Court's order

denying discovery to prepare and file a motion for an evidentiary hearing. Respondents shall have **thirty days** after the filing of any motion for a federal evidentiary hearing to file a response. Petitioner shall then have **fifteen days** after the filing of any response by Respondents to file a reply.

Once the Court has either heard evidence at an evidentiary hearing or denied any motion by Petitioner for an evidentiary hearing, Petitioner shall have **forty-five days** to file a brief on the issues of procedural default, cause and prejudice, and fundamental miscarriage of justice. Respondents shall have **thirty days** after the filing of Petitioner's brief to also brief the issues of procedural default, cause and prejudice, and fundamental miscarriage of justice. Petitioner shall have **fifteen days** in which to file a reply.

After the Court enters an order concerning procedural default and what issues it will review on the merits, Petitioner shall have **forty-five days** to file a final brief on any remaining claims. Respondents shall have **thirty days** after service of Petitioner's brief to file a response. Petitioner shall have **fifteen days** after service of the response to file any reply.

This scheduling order may be amended by consent of both parties, but only with the approval of the Court. To the extent not agreed to by the parties, either party may seek leave to

amend the schedule for good cause. The Court is mindful of the importance of capital habeas proceedings, but has carefully considered its scheduling order and the assigned deadlines. It has been the Court's experience that in similar proceedings the parties often disregard the scheduling order and seek multiple extensions. As a result, the Court is putting the parties on notice that it is unlikely to grant extensions absent a showing of extraordinary circumstances.

SO ORDERED this 22ND day of May 2018.

A handwritten signature in blue ink, appearing to read "W. T. Moore, Jr.", is written over a horizontal line.

WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA